

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORIGINAL

05 CR 10136 RGS

)	CRIM. NO.
)	
UNITED STATES OF AMERICA)	VIOLATIONS:
)	18 U.S.C. § 844(i)-- Arson
V.)	18 U.S.C. § 1341-- Mail Fraud
)	18 U.S.C. § 844(h)(1)-- Use of
)	Fire to Commit a Felony
MARK NUTTER)	
)	
)	

INDICTMENT

COUNT ONE: (18 U.S.C. §§ 844(i) and 2-- Arson)

The Grand Jury charges that:

On or about October 16, 2003, at West Yarmouth, in the
District of Massachusetts,

MARK NUTTER,

defendant herein, did maliciously damage and destroy, and attempt
to damage and destroy, by means of fire, a building used in
interstate or foreign commerce and in activities affecting
interstate or foreign commerce, to wit: a commercial building
located at 161 Mid-Tech Drive, Unit D, West Yarmouth,
Massachusetts.

All in violation of Title 18, United States Code, Sections
844(i) and 2.

COUNTS TWO, THREE, AND FOUR: (18 U.S.C. §§ 1341 and 2-- Mail Fraud)

The Grand Jury further charges that:

From on or about October 3, 2003, to on or about September 15, 2004, in the District of Massachusetts,

MARK NUTTER,

defendant herein, did knowingly and willfully devise and execute a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, which scheme and artifice is further described in the following paragraphs.

General Allegations

1. On or about March 29, 2002, Mark Nutter, doing business as Tempassure Mechanical, entered into a commercial lease for the property located at Unit D, 161 Mid-Tech Drive, West Yarmouth, Massachusetts.

2. In or about January, 2003, Mark Nutter, doing business as Tempassure Mechanical, added the address Unit D, 161 Mid-Tech Drive, West Yarmouth, Massachusetts, to an existing business owner insurance policy issued by the Hanover Insurance Company of Scottsdale, Arizona. The policy, number OHN-5715174, provided insurance coverage for the contents of the premises at 161 Mid-Tech Drive up to the amount of \$125,000.

3. On or about October 3, 2003, Mark Nutter instructed his insurance agent, John McShera, of the Lovelette Insurance Agency, to increase his business contents insurance coverage to \$500,000.

As of October 16, 2003, it was Mark Nutter's belief that his business contents insurance coverage had been increased to \$500,000.

The Scheme to Defraud

4. It was part of the scheme and artifice to cause the destruction of the contents of Unit D at 161 Mid-Tech Drive by means of fire.

5. It was further part of the scheme and artifice that Mark Nutter would and did cause the submission of a false and fraudulent claim for building loss insurance proceeds to the Hanover Insurance Company.

6. On or about the dates listed below, in the District of Massachusetts,

MARK NUTTER,

defendant herein, for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by false and fraudulent pretenses, representations and promises, did cause to be placed in authorized depositories for mail matter, the identified item to be sent and delivered by the United States Postal Service, and did knowingly cause such item to be delivered by the United States Postal Service, according to the directions thereon; and did cause to be deposited an item or thing to be sent by a private or commercial interstate carrier, as follows:

<u>COUNT</u>	<u>DATE</u>	<u>MAILING</u>
TWO	3/15/04	Federal Express package, with cover letter, containing documents requested by the attorney representing the Hanover Insurance Company, sent from Richard Cohen, 1185 Falmouth Road, Centerville, MA, 02632, and delivered to Lawrence Duggan, Esq., Morrison, Mahoney & Miller, LLP, 250 Summer Street, Boston, MA 02210.
THREE	7/6/04	Federal Express package, with cover letter, containing documents requested by the attorney representing the Hanover Insurance Company, sent from Goldberg & Weigand, Attorneys at Law, 250 Barnstable Road, Hyannis, MA, 02601, and delivered to Lawrence Duggan, Esq., Morrison, Mahoney & Miller, LLP, 250 Summer Street, Boston, MA 02210.
FOUR	9/15/04	Letter enclosing "Sworn Statement in Proof of Loss" form, claiming \$297,805 in reimbursable losses and \$14,520.83 in replacement costs from the fire of October 16, 2003 at Mid-Tech Drive property, mailed from Goldberg & Weigand, Attorneys at Law, 250 Barnstable Road, Hyannis, MA 02601, and mailed to Lawrence Duggan, Esq., Morrison, Mahoney & Miller, LLP, 250 Summer Street, Boston, MA 02210.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT FIVE: (18 U.S.C. §§ 844(h)(1) and 2-- Use of Fire to
Commit a Felony)

The Grand Jury further charges that:

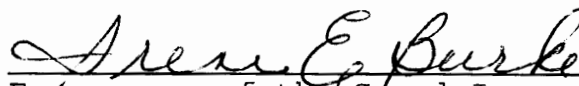
On or about October 16, 2003, at West Yarmouth, in the
District of Massachusetts,

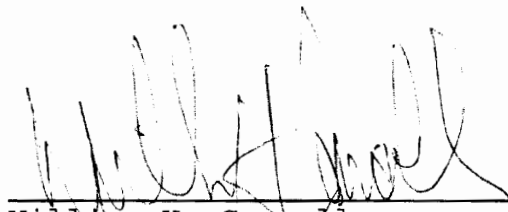
MARK NUTTER,

defendant herein, did knowingly use fire to commit a felony
prosecutable in a court of the United States, to wit: mail fraud,
in violation of Title 18, United States Code, Section 1341, as
charged in Counts Two, Three, and Four of this Indictment.

All in violation of Title 18, United States Code, Sections
844(h)(1) and 2.


A TRUE BILL



Foreperson of the Grand Jury


William H. Connolly
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: June 1, 2005.

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk

1:30
6/1/05 

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Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency ATFCity West Yarmouth Related Case Information:County Barnstable Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Mark Nutter Juvenile ☐ Yes ☒ No

Alias Name _____

Address 95 Forest Road, South Yarmouth, MABirth date: 1963 SS#: **** * 1943 Sex: M Race: W Nationality: U.S.A.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA William H. Connolly Bar Number if applicable 634501Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 5

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 6/1/05Signature of AUSA: William H. Connolly

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District Court Case Number (To be filled in by deputy _____)

Name of Defendant Mark Nutter

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. 844(i)</u>	<u>Arson</u>	<u>1</u>
Set 2	<u>18 U.S.C. 1341</u>	<u>Mail Fraud</u>	<u>2, 3, 4</u>
Set 3	<u>18 U.S.C. 844(h)(1)</u>	<u>Use of Fire to Commit a Felony</u>	<u>5</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

District Court Case Number (To be filled in by deputy

105-cr-10136-RGS

Name of Defendant Mark Nutter

JS 45.wpd - 3/13/02